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January 14, 2024

BY EMAIL

Nathan Rehn
Benjamin Arad
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United States Attorney's Office
Southern District of New York
26 Federal Plaza, 37th Floor
New York, New York 10278

Re: United States v. Roman Storm, 23 Cr. 430 (KPF) (S.D.N.Y.)

Dear Counsel:

We write on behalf of our client Roman Storm regarding his September 24, 2024 discovery letter and the government's October 29, 2024 response. Consistent with Rule 5(f) of the Federal Rules of Criminal Procedure, on September 6, 2023, the Court directed the government to comply with its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963). (ECF 15 at 3-4.) The government confirmed it would do so at that time and then, in its October 29, 2024 letter, further represented that it "is aware of its constitutional and statutory discovery obligations, and has complied with such obligations." (Govt. Ltr. at 1.) In that letter, the government also stated that it has fully complied with Mr. Storm's September 29, 2024 discovery requests.

Despite these assertions, the defense is concerned that the government has not disclosed *Brady* material in its possession, custody, or control (as well as materials covered by Federal Rule of Criminal Procedure 16(a)(1)(E)). Accordingly, and for the avoidance of doubt, Mr. Storm reiterates here his request for the below material that he is entitled to receive pursuant to *Brady* and its progeny, as well as Rule 16. We request the below by no later than Tuesday, January 21, 2025, or, if the government is going to decline to produce any of the below, please notify us in writing by that date as well.

Any and all material known to the government, or which through due diligence may be learned from the investigating officers of the government or the witnesses or persons having knowledge of this case, that is exculpatory in nature or favorable to Mr. Storm, including any statements made by Tornado Cash users, relayers, token holders, developers, or others connected to Tornado Cash in which the person denies that they were

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2

involved in a criminal conspiracy with Mr. Storm or his alleged co-conspirators, believed in good faith that their involvement with Tornado Cash was lawful, and/or made statements that support defense theories as articulated in Mr. Storm's various motions.

Tornado Cash users, relayers, token holders, developers, or others connected to Tornado Cash may have also identified others who have information favorable to the defense, and that would be subject to Rule 16 disclosure as well.

If you have any questions regarding the above request, let us know as soon as possible as well, so we can speak at your convenience this week. Again, we are requesting materials by no later than Tuesday, January 21, 2025.

As you know, the government's discovery obligations are continuing in nature. If the government discovers additional material requested above later, notify us promptly of their existence.

Mr. Storm expressly reserves the right to supplement his discovery requests at a later time, and to seek Court intervention, should the government's failure to provide the aforementioned material continue.

Sincerely,



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